

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 17, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Objections

The claims have been objected to for missnumbering. In response to the objection, Applicant has renumbered claims "34" and "35" added in the previous Response to "33" and "34", respectively.

In view of the above-noted renumbering, Applicant respectfully submits that the claims are not objectionable and respectfully requests that the objection be withdrawn.

II. Drawings Objection

The drawings have been objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the drawings are objected to for not showing activating a device discovery plug in to "poll peripheral devices" as is recited in claim 29.

Applicant notes that polling of peripheral devices is described on page 8, lines 19-21 in association with Figure 2. In particular, Applicant states the following in regard to step S13 of Figure 2:

In one embodiment, the device discovery plug in acts as a proxy for the vendor web site within the network 10 to poll and identify peripheral devices and their addresses in the network 10 that are associated with that vendor.

Although it is true that Figure 2 does not explicitly contain the phrase “polling and identifying peripheral devices,” Applicant notes that step S13 does describe “engage in device discovery.” Accordingly, in line with the original disclosure, the described polling is one example form of engaging in device discovery explicitly identified in Figure 2.

In view of the above, Applicant submits that there is adequate support in the drawings for the limitation at issue. It is Applicant’s position that Applicant need not identify “polling” in the drawings any more than Applicant would need to separately show a facsimile machine, photocopier, and printer when a “hard copy output engine” is identified in the drawings (see Figure 1 and claim 4). In other words, a generic representation in the drawings is adequate support for a specifically-claimed embodiment in the claims.

In view of the foregoing, Applicant respectfully submits that the drawings are acceptable and requests that the objection be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Claims 1, 3-4, 7-8, 10-11, 14-15, 17, 20-21, 23-24, 27-28, and 30-31

Claims 1, 3-4, 7-8, 10-11, 14-15, 17, 20-21, 23-24, 27-28, and 30-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zintel (U.S. Pat. No. 6,779,004) in view of Butt, et al. (“Butt,” U.S. Pat. No. 6,754,829). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would

lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations. Applicant discusses the applied references and Applicant's claims in the following.

1. The Zintel Disclosure

Zintel discloses a system for auto-configuring peripherals for peer networking connectivity. Zintel, Patent Title. More particularly, Zintel discloses a system with which a peripheral device that is not otherwise configured for peer-to-peer communication can be used in a peer-to-peer manner. See Zintel, Abstract. As is described by Zintel:

In accordance with a technology described herein, peripheral devices connected with a host via host/peripheral connectivity are exposed in a device control model as peer devices having peer networking connectivity. *A peer networking-to-host/peripheral connectivity adapter, which may be implemented as a set of software modules running on a host, operates to convert between a device control protocol with peer networking connectivity and a host/peripheral connectivity protocol (or protocols) for a set of host-connected peripheral devices. The adapter, in effect, operates virtually as a set of controlled devices in the device control protocol, which respond to communication in the device control protocol from other peer devices that are networked with the host.* The adapter converts the device control protocol communications from the peer devices into the peripheral devices' respective host/peripheral protocol for controlling the peripheral devices. The adapter also converts communications in the respective host-peripheral protocol from the peripheral devices into the device control protocol with peer networking connectivity. Accordingly, the peer networking-to-host/peripheral connectivity adapter exposes the operational functionality of the peripheral devices to use from other peer networking devices via the device control protocol. Alternatively, the adapter also may operate for peripheral devices that provide a user interface as a user control point that converts communications from the devices in the respective host/peripheral protocol into the device control protocol with peer networking connectivity to control other peer networking connectivity devices.

[Zintel, column 2, lines 29-57, emphasis added]

Zintel's "connectivity adapter" is provided to the host by installing the adapter on the host. The installation process is described by Zintel as follows:

According to a further aspect of the invention, *the adapter is automatically installed and configured for a peripheral device by host operating software along with device-specific driver software upon connecting or "plugging" the peripheral device into the host*, for example, as part of a "plug-and-play" peripheral device installation sequence. At the time of connecting the peripheral device into the host or during a boot-up sequence of the host operating software, the host operating software detects that a new peripheral device has been connected; and automatically selects or prompts the user to select and then installs an appropriate device driver for the new peripheral device. The host operating software also automatically installs a peer networking-to-host/peripheral adapter, which exposes the peripheral to control from peer networking devices that are networked to the host and optionally permits control of peer networking devices from the peripheral.

[Zintel, column 3, lines 9-25, emphasis added]

Significantly, Zintel says **nothing** about discovering devices on a network.

2. The Butt Disclosure

Butt discloses a certificate-based authentication system. Butt, Patent Title. Like Zintel, Butt says nothing about device discovery.

3. Applicant's Claims

(a) Claims 1, 3-4, 7, 28, and 30-31

Applicant's independent claim 1 provides as follows (emphasis added):

1. A method of device discovery comprising:
downloading *a device discovery plug in via a network using a network browser*;

activating the device discovery plug in to discover peripheral devices on the network with the device discovery plug in; and
transmitting data *describing peripheral devices discovered by the device discovery plug in.*

The Examiner primarily relies upon the teachings of Zintel in accounting for the various limitations of Applicant's claim 1. In particular, the Examiner relies exclusively on column 2, lines 29-56 of the Zintel reference in addressing each of the three limitations contained in claim 1. As was stated in the previous Response, however, Zintel does *not* teach any of those limitations in column 2, or elsewhere in the Zintel disclosure for that matter.

(i) Downloading a Device Discovery Plug In

As a first matter, Zintel does not teach "downloading a device discovery plug in". As was noted above, Zintel's system has nothing to do with "discovering" devices. It logically follows then that Zintel does not teach downloading any "device discovery plug in". Although Zintel teaches downloading an "adapter" in column 2, lines 29-56, that adapter is *not* described as being used to "discover" devices. This fact is clear when column 2, lines 29-56, which is reproduced in whole above, is reviewed.

Applicant further notes that Zintel does not teach downloading such a plug in "via a network". Although the Butt disclosure is relied upon for this aspect of Applicant's claim, Applicant notes that Butt fails to contribute anything to the rejection beyond downloading software from the Internet. Applicant concedes that it is known to download software from the Internet. However, it is *not* known to, as recited in Applicant's claim 1, download a device discovery plug in via a network. Applicant submits that the claim as a whole must be considered when evaluating the limitations of

Applicant's claims. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 USPQ2d 1826 (Fed. Cir. 1987) (In determining obviousness, "the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed"). Furthermore, Applicant notes that Zintel *teaches away* from downloading software from a network. As is noted above, Zintel does not contemplate Internet download for the "adapter." Instead, *Zintel* prefers downloading the adapter when a peripheral device first connects to a host in a plug-n-play arrangement.

**(ii) Activating Plug In to *Discover* Peripheral
Devices**

Contrary to that alleged in the Office Action, Zintel does not teach activating a device discovery plug in "to discover peripheral devices on the network", as is also required by claim 1. Again, Zintel's system has nothing to do with device discovery. Therefore Zintel's system does not "activate" a device discovery plug in. Furthermore, Zintel's system does not "discover" peripheral devices. Again, column 2, lines 29-56 do not teach such discovery. Instead, that portion of Zintel's disclosure only speaks of an "adapter" that is used to facilitate communications between devices.

**(iii) Transmitting Data Describing the
Discovered Devices**

Because Zintel does not discuss discovery of devices or a discovery plug in, it logically follows that Zintel's system does not transmit data describing peripheral devices "discovered by the device discovery plug in".

(iv) Dependent Claim Limitations

The claims that depend from claim 1 present further limitations that are not taught or suggested by Zintel or Butt. For example, claim 30 recites transmitting data “describing peripheral devices” to a “vendor website”. Neither reference teaches this limitation.

(b) Claims 8-27

Applicant’s other independent claims are also allowable over the Zintel and Butt references. For instance, regarding independent claim 8, Zintel does not teach computer readable code that is configured to cause a processor to “download a device discovery plug in via a network using a network browser”, “activate the device discovery plug in to is cover peripheral devices on the network”, or “transmit data describing peripheral devices discovered by the device discovery plug in” for reasons described above. Claim 8, and claims 9-14 which depend therefrom, are allowable for at least this reason.

Regarding independent claim 15, Zintel does not teach a system comprising processing circuitry configured to employ a software module to “download a device discovery plug in via a network using a web browser”, “activate the device discovery plug in to discover peripheral devices on the network”, or “transmit data describing peripheral devices discovered by the device discovery plug in” for reasons described above. Claim 15, and claims 16-20 which depend therefrom, are allowable for at least this reason.

Finally, regarding independent claim 21, Zintel does not teach a computer instruction signal embodied in a carrier wave carrying instructions that when executed by a processor cause the processor to “download a device discovery plug in via a

network using a network browser”, “activate the device discovery plug in to discover peripheral devices on the network”, or “transmit data describing peripheral devices discovered by the device discovery plug in” for reasons described above. Claim 21, and claims 22-27 which depend therefrom, are allowable for at least this reason.

B. Claims 2, 9, 18, and 22

Claims 2, 9, 18, and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zintel and Butt, and further in view of Pang, et al. (“Pang,” U.S. Pat. No. 6,804,718). Applicant respectfully traverses this rejection.

As is identified above, Zintel and Butt fail to teach explicit limitations of Applicant’s claims. In that Pang does not remedy this deficiency of the Zintel and Butt references, Applicant respectfully submits that claims 2, 9, 18, and 22 are allowable over the Zintel/Butt/Pang combination for at least the same reasons that claims 1, 8, 15, and 21 are allowable over Zintel/Butt.

C. Claims 5-6, 12-13, 16, 19, 25-26, and 32

Claims 5, 6, 12, 13, 16, 19, 25, 26, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zintel and Butt, and further in view of Sharpe, Jr., et al. (“Sharpe,” U.S. Pat. No. 5,960,214). Applicant respectfully traverses this rejection.

As is identified above, Zintel and Butt fail to teach explicit limitations of Applicant’s claims. In that Pang does not remedy this deficiency of the Zintel and Butt references, Applicant respectfully submits that claims 5, 6, 12, 13, 16, 19, 25, 26, and 32 are allowable over the Zintel/Butt/Sharpe combination for at least the same reasons that claims 1, 8, 15, and 21 are allowable over Zintel/Butt.

As a further point, Applicant asserts that, contrary to that argued in the Office Action, Sharpe does *not* teach “activating the device discovery plug in to collect data chosen from a group consisting of: model and serial number information and included options from an embedded web server contained in the discovered peripheral devices” in column 15, lines 10-30. That portion of the Sharpe disclosure provides as follows:

The PhysicalTag, DeviceID, and DeviceTag objects relate to or are associated with the "PhysicalTag," "DeviceID," and "DeviceTag" collections of the Root object, respectively, and are used to uniquely define a particular device connected to or associated with the FMS system 10. A device ID typically includes a triplet of information comprising the name of the device manufacturer, the model number of the device, and the serial number of the device. Device tags and physical tags usually refer to a location of the device in a plant or a process such as the process 12. The value of a physical tag and/or a device tag can be, for example, an alphanumeric code associated with a specific physical location in the plant or any other description of a physical location. For HART devices, the physical tag is considered the same as the device tag whereas, for Fieldbus devices, the physical tag can have a different value than the device tag. The OLE objects in FIGS. 3 and 4 immediately below a quoted collection name, such as the PhysicalTag object, the DeviceTag object, and the DeviceID object, are also referred to as collections because they are related to constructs which a DDL considers or defines as collections.

[Sharpe, column 15, lines 10-30]

As can be appreciated from the above excerpt, although Sharpe mentions various IDs and tags, Sharpe clearly does not disclose activating a “device discovery plug in” or collecting data “from an embedded web server contained in the discovered peripheral devices”.

D. Claim 29

Claim 29 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zintel and Butt, and further in view of Garland, et al. (“Garland,” U.S. Pat. No. 6,674,764). Applicant respectfully traverses this rejection.

As is identified above, Zintel and Butt fail to teach explicit limitations of Applicant’s claims. In that Pang does not remedy this deficiency of the Zintel and Butt references, Applicant respectfully submits that claim 29 is allowable over the Zintel/Butt/Garland combination for at least the same reasons that claim 1 is allowable over Zintel/Butt.

As a further matter, Applicant asserts that although the portion of the Garland reference identified by the Examiner generally mentions “polling,” Garland simply does not teach or suggest activating a “device discovery plug in” to “poll peripheral devices on the network to identify their addresses”. Moreover, there is clearly no motivation or suggestion to combine the teachings of Garland with those of Zintel. Again, Zintel is not concerned with device discovery. A person having ordinary skill in the art would therefore not think to add “polling” from the Garland reference into the Zintel system. Given the lack of a suggestion or motivation contained in the prior art for the proffered combination, it appears clear that the only suggestion or motivation comes from Applicant’s own disclosure. As is well established in the law, such hindsight to the Applicant’s own disclosure is *per se* improper. See *Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

E. Claims 33 and 34

Claims 33 and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zintel, Butt, and Sharpe, and further in view of Baker, et al. (“Baker,” U.S. Pat. No. 6,405,204). Applicant respectfully traverses this rejection.

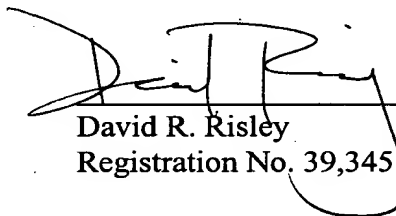
As is identified above, Zintel and Butt fail to teach explicit limitations of Applicant’s claims. In that Pang does not remedy this deficiency of the Zintel, Butt, and Sharpe references, Applicant respectfully submits that claims 33 and 34 are allowable over the Zintel/Butt/Sharpe/Baker combination for at least the same reasons that claims 1 and 6 are allowable over Zintel/Butt/Sharpe.

As a further matter, Applicant asserts that Baker does not teach “identifying a purchase authorizer for each group” or “identifying a maintainer for each group” as are provided in claims 33 and 34, respectively. Instead, column 4, lines 14-49 of the Sharpe reference, which were identified by the Examiner, describe a classification methodology for organizing companies into sectors for the purpose of issuing alerts, which are presumably used for investing purposes. Not only does this teaching fail to address the limitations of claim 33 and 34, this teaching is not properly combinable with the Zintel reference given that it is directed to a totally different system and application.

CONCLUSION

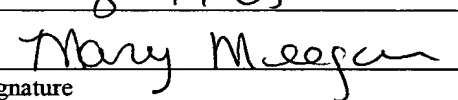
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David R. Risley
Registration No. 39,345

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

8-17-05

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